

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 435

**Introduced by Assembly Member Matthews
(Coauthor: Assembly Member Chavez)**

February 14, 2003

An act to amend Sections 626, 1803.5, 1808.7, 11200, 11202, 11202.5, 11208, 11212, 11214, 11215.5, 11216.2, 11219.5, 11222, 41501, 42005, 42005.1, ~~and 42007~~ 42007, 42007.1, 42007.3, and 42007.4 of, to add Sections 11205.2 ~~and 11205.3~~, 11205.3, 11219.1, 11219.2, and 11219.7 to, ~~to repeal Section 11219.3 of~~, and to repeal and add Sections 11205 and 11205.1 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 435, as amended, Matthews. Vehicles: traffic violator schools.

(1) Under existing law, a person may have a complaint relating to the safe operation of a vehicle dismissed with a copy of that dismissal forwarded to the Department of Motor Vehicles when a person attends a licensed traffic violator school, licensed driving school, or other court-approved program of driving instruction. Existing law requires traffic violator schools to meet specified criteria, including the requirement that the schools have a specified lesson plan approved by the department.

This bill would allow a court to order any person convicted of a traffic violation to complete a ~~course~~ *program* of traffic safety instruction only at a *department* licensed traffic violator school. The bill would allow a traffic violator school to offer instruction by the classroom method or

the home study method, or both, and would specify requirements for each method of instruction. The bill would prohibit any person from *owning or* operating a school without a current valid license issued by the department for the method *and mode* of instruction offered, and would specify qualifications for operators. This bill would allow certain home study programs operating prior to the effective date of the bill to continue operation until a license application has been approved or disapproved by the department, but, in no event, later than April 1, 2005.

This bill would also require the department to approve a traffic violator school lesson plans and curricula.

The bill would require each person participating in a traffic violator school to demonstrate his or her knowledge of course materials through the completion of ~~an exit test~~ *a final examination*, and for the school to verify the identity of the traffic violator. The bill would require traffic violators completing a ~~course~~ *program* of traffic safety instruction by the home study method of instruction to indicate, under penalty of perjury, that they personally completed the course and final examination. The bill would authorize traffic violator schools to charge a \$15 fee for the issuance of a duplicate certificate of completion.

(2) Existing law requires a traffic violator school to file a bond of \$2,000 with the Department of Motor Vehicles.

This bill, instead, would require a traffic violator school that offers only the classroom method instruction to file a bond ~~of~~ *for* \$2,000 and a traffic violator school that offers the home study method of instruction to file a bond ~~of \$15,000~~ *for \$25,000*.

(3) Under existing law, a court is authorized to take certain actions regarding a traffic violator school's name and the removal of the name from the referral list of traffic violator schools. Existing law requires the approval of the court in each judicial district in which a proposed traffic school owner or traffic classes are to be conducted prior to the school being included on the referral list.

This bill would impose those duties, as revised, on the department rather than the courts and would delete the provisions currently requiring court approval of traffic violator schools. The bill would also require the department to publish a list of the owners and operators of licensed traffic violator schools, by method of instruction offered, with copies provided to the courts, and to publish a separate referral ~~list~~ *lists*, updated ~~monthly~~ *bimonthly*, to be distributed to the courts and traffic violators.



(4) Existing law authorizes the department to monitor any school for traffic violators.

This bill would require the department to monitor ~~or audit~~ traffic violator schools to the extent specified funding is available. The bill would require the department to provide staffing for these purposes, as specified.

(5) Existing law currently does not specifically authorize the use of a home study method of traffic safety instruction as a court-approved program or by a traffic violator school.

This bill would specifically authorize traffic violator schools to offer home study methods of instruction if properly licensed by the department.

(6) Existing law authorizes the courts to utilize the services of a nongovernmental agency for traffic violator school administration and monitoring services and charge traffic violators a fee to defray the costs incurred by the agency for providing those services. The fee is limited to the actual cost incurred by the agency or \$5, whichever is less.

The bill would authorize the courts to use public or private nonprofit agencies to provide ~~in~~ court administrative services related to processing traffic violators. This bill would delete the \$5 limitation on the fee amount and would prohibit the nonprofit agencies from performing or duplicating services provided by the department.

(7) Existing law requires the department to charge a fee, based upon a determination made by the department, as specified, which is not to exceed \$3, for each completion certificate issued by a traffic violator school to a person completing instruction in the school. Existing law prohibits a traffic violator school from charging a fee in excess of the fee charged by the department for furnishing a certificate of completion.

This bill would require the department to charge a fee of \$3, to be collected by the court from the traffic violator, and would delete the related provisions that require the department to determine the amount of the fee.

The bill would also delete the above-described fee restriction imposed on traffic violator schools.

(8) Existing law authorizes the department to suspend or revoke a traffic violator school license if, among other things, the school's main business office is in a county with a population of 400,000 or more in which the school conducts its instructional program, and the main business office does not maintain office hours during the time that day courts in that county are open for business.

This bill would delete reference in the authorization based on the size of the county.

(9) Existing law does not specify if a licensed traffic violator school may be required to provide services below ~~their~~ *its* standard fees.

This bill would prohibit a traffic violator school from being required to provide its services below its standard advertised fees.

(10) *Existing law requires moneys received by the department under the Vehicle Code to be deposited in the Motor Vehicle Account in the State Transportation Fund.*

This bill would create the Traffic Violator School Account in the Motor Vehicle Account and would require moneys derived from licensing traffic violator schools and the issuance of completion certificates to be deposited in that account. The bill would require funds in that account, upon appropriation by the Legislature, to be used by the department for the purposes of licensing, monitoring, and auditing traffic violator schools.

(11) The bill would make related conforming changes.

~~(11)~~

(12) Because a violation of certain provisions of the bill would be a crime, the bill would impose a state-mandated local program by creating new crimes and expanding the scope of existing crimes.

~~(12)~~

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The process of developing, approving, and licensing traffic
4 violator schools utilized since 1985 has contributed to a reduction
5 in traffic violations and traffic collisions.

6 (b) Studies of the effectiveness of California traffic violator
7 school programs conducted by the Department of Motor Vehicles,



1 and others, have shown some positive driver safety benefits from
2 violators who have attended and completed a traffic violator
3 school program.

4 (c) To aid in the reduction of traffic violations and traffic
5 collisions, the Department of Motor Vehicles uses a standardized
6 curriculum that is designed to reduce subsequent traffic violations
7 and traffic collisions by those traffic violators attending and
8 completing a traffic violator school program.

9 (d) Studies conducted by state and federal agencies and the
10 National Public Services Research Institute have shown that traffic
11 violator programs that address driver attitude and motivation
12 focused on the reduction of future offenses may materially reduce
13 violations and collisions.

14 (e) Existing court-approved home study programs for traffic
15 violators should be approved, licensed, monitored, and regulated
16 by the Department of Motor Vehicles to provide uniformity of
17 standards with standards of licensing, regulating, monitoring, and
18 auditing applicable to classroom traffic violator schools. This
19 would ensure a consistent standard of consumer protection for all
20 consumers of traffic safety instruction.

21 SEC. 2. Section 626 of the Vehicle Code is amended to read:

22 626. A “traffic violator school” is a business licensed by the
23 department pursuant to Chapter 1.5 (commencing with Section
24 11200) of Division 5, that, for compensation, provides, or offers
25 to provide, instruction in traffic safety, using either a classroom or
26 home study method of instruction, for persons referred by a court
27 pursuant to Section 42005 or to other *nontraffic violator* persons
28 who elect to attend.

29 SEC. 3. Section 1803.5 of the Vehicle Code is amended to
30 read:

31 1803.5. Every clerk of a court or hearing officer, when a
32 person who receives a notice to appear at a court or board
33 proceeding for a violation of any statute relating to the safe
34 operation of vehicles is granted a continuance of the proceeding in
35 consideration for the completion of a program of traffic safety
36 instruction at a *department licensed* traffic violator school, and the
37 court dismisses the complaint in consideration of that completion,
38 shall prepare an abstract of the record of the court or board
39 proceeding, certify the abstract to be true and correct, and cause the

1 abstract to be forwarded to the department at its office at
2 Sacramento within 10 days after the complaint is dismissed.

3 SEC. 4. Section 1808.7 of the Vehicle Code is amended to
4 read:

5 1808.7. The record of the department relating to the first
6 proceeding and dismissal under Section 1803.5 in any 18-month
7 period for completion by a person of a program of traffic safety
8 instruction at a traffic violator school, is confidential, shall not be
9 disclosed to any person, except a court, and shall be used only for
10 statistical purposes by the department.

11 SEC. 5. Section 11200 of the Vehicle Code is amended to
12 read:

13 11200. (a) The department shall license traffic violator
14 schools that provide a program of traffic safety instruction to
15 traffic violators for purposes of Section 42005 or to other persons
16 who elect to attend. A licensed traffic violator school may offer
17 traffic safety instruction using either a classroom method of
18 instruction or a home study method of instruction, or both. A
19 person may not own or operate a traffic violator school or, except
20 as provided in Section 11206, give instruction for compensation
21 in a traffic violator school without a currently valid license issued
22 by the department for that method *and mode* of instruction. A
23 traffic violator school that provides traffic safety instruction
24 through a home study method may use any mode of traffic safety
25 instruction approved and licensed by the department, including,
26 but not limited to, an ~~Internet mode, videotape mode, or text-based~~
27 ~~mode. If the school uses an Internet mode, it~~ *online Web-based*
28 *mode, videotape-based mode, CD-ROM-based mode, or*
29 *text-based mode. A traffic violator school may not permit*
30 *advertising of products or services* ~~on the Web site~~ during any part
31 of the course of instruction. The department shall issue a separate
32 license for each method *and mode* of instruction ~~and mode~~ if the
33 applicant meets all other requirements set forth in this chapter for
34 each method and mode. The department may endorse the license
35 of a traffic violator school owner to show that the owner has
36 separately qualified and been issued a separate license for each
37 method and mode of traffic safety instruction indicated on the
38 license.

39 (b) A home study program for traffic violators that was
40 approved by a county superior court prior to January 1, 2004, may

1 continue to operate its home study program only in that county
2 until the department has approved or disapproved its application
3 for a license pursuant to this section. Until licensed by the
4 department, a home study program shall not expand its operations
5 into any county where the home study program was not authorized
6 to operate prior to January 1, 2004, by that county's superior court.

7 (c) The owner of a home study program described in
8 subdivision (b) shall submit to the department an application for
9 licensing pursuant to Section 11206.5 no later than April 1, 2004,
10 and shall comply with paragraph (5) of subdivision (a) of Section
11 11202.5. The authority of a home study program, described in
12 subdivision (b), to continue operating without an approved license
13 issued by the department, shall cease on either April 2, 2004, if the
14 owner fails to submit an application pursuant to this subdivision,
15 or on January 1, 2005, if the owner has submitted an application
16 pursuant to this subdivision, unless, due to special mitigating
17 circumstances, the department extends that authority to a date no
18 later than April 1, 2005.

19 (d) (1) A nontraffic violator who elects to attend a traffic
20 violator school shall receive from the traffic violator school and
21 shall sign a copy of, acknowledge, or otherwise indicate agreement
22 to, the following consumer disclosure statement prior to the
23 payment of the school fee and attending the school:

24 "Course content is limited to traffic violator curricula approved by
25 the Department of Motor Vehicles. Students in the classroom may
26 include traffic offenders, repeat traffic offenders, adults, and
27 teenagers, and those who have and those who have not been
28 referred by a court. Instructor training, business regulatory
29 standards, and Vehicle Code requirements of traffic violator
30 schools may not be identical to the training, standards, and Vehicle
31 Code requirements of licensed driving schools (California Vehicle
32 Code)."

33 (2) In the case of a minor who elects to attend a traffic violator
34 school, the minor's parent or guardian shall sign, acknowledge, or
35 otherwise indicate agreement to, the consumer disclosure
36 statement.

37 (3) A copy of each *consumer* disclosure statement shall be
38 retained by the traffic violator school for a minimum of 36 months.

39 (4) This subdivision does not apply to persons referred by
40 courts pursuant to Section 42005.

1 SEC. 6. Section 11202 of the Vehicle Code is amended to
2 read:

3 11202. (a) Except as provided in subdivision (c), the owner
4 of a traffic violator school shall meet all of the following criteria
5 before a license may be issued by the department for the traffic
6 violator school:

7 (1) Establish and maintain a place of business in this state that
8 is open to the public. No office or place of business of a traffic
9 violator school, including any traffic violator school branch or
10 classroom location, may be situated within 500 feet of any court
11 of law, unless the owner was established at the location on or
12 before July 1, 1984.

13 (2) Conform to standards established by regulation of the
14 department. In adopting the standards, the department shall
15 consider those practices and instructional programs which may
16 reasonably foster the knowledge, skills, and judgment necessary
17 for compliance with traffic laws. The standards may include, but
18 are not limited to, school personnel, equipment, curriculum,
19 procedures for the testing and evaluation of students,
20 recordkeeping, and business practices.

21 (3) Procure and file with the department a bond executed by an
22 admitted surety and conditioned upon the applicant not practicing
23 any fraud or making any fraudulent representation which will
24 cause a monetary loss to a person taking instruction from the
25 applicant or to the state or any local authority. *If the admitted*
26 *surety company becomes insolvent, the owner shall have 10*
27 *business days to replace the bond after the department notifies the*
28 *owner of the admitted surety's insolvency.*

29 (A) The bond ~~of~~ *for* a traffic violator school that offers only the
30 classroom method of instruction shall be in the amount of two
31 thousand dollars (\$2,000).

32 (B) The bond ~~of~~ *for* a traffic violator school that offers a home
33 study method of instruction shall be in the amount of ~~fifteen~~
34 ~~thousand dollars (\$15,000)~~ *twenty-five thousand dollars*
35 *(\$25,000).*

36 (4) A traffic violator school that offers the classroom method
37 of instruction shall have a classroom approved by the department
38 and the proper equipment necessary for giving instruction to
39 traffic violators.



(5) (A) A traffic violator school that offers the classroom method of instruction shall have a lesson plan approved by the department ~~and provide~~ *that provides* not less than the minimum instructional time specified in ~~the plan~~ *subparagraph (B)*. A traffic violator school that offers a home study method of instruction shall have its curriculum approved by the department and provide not less than the minimum ~~instructional time specified in the plan.~~ *instruction time specified in subparagraph (B)*.

(B) An approved lesson plan for a classroom method of instruction shall provide a minimum of 240 minutes of traffic safety instruction for traffic violators, ~~except that a lesson plan for instructing persons under the age of 18 shall provide a minimum of 360 minutes of traffic safety instruction.~~ *A* and a department approved curriculum for a home study method of instruction shall contain no less than 40,000 words and be educationally equivalent to the instruction provided by the classroom method of instruction. *However, a lesson plan for instructing persons under the age of 18 shall provide a minimum of 360 minutes of traffic safety instruction, and a home study curriculum for instructing those persons shall be educationally equivalent thereto.* Until the department develops additional regulations related to the lesson plan and curriculum, *and reviews existing lesson plans and curricula,* licensed traffic violator schools and court-approved home study programs, operating on the effective date of the act amending this section in the 2003–04 Regular Session, may continue to use their respective existing lesson plans and minimum 40,000 word curricula to meet the minimum instructional ~~requirement~~ *requirements*.

(C) The department shall require each traffic violator school that uses the home study method of instruction to use the necessary means, methods, and technology to ensure that ~~each user of a home study method of instruction completes the entire home study course of instruction.~~ *The means, methods, and technologies to be used by the home study program to ensure that the traffic violator does, in fact, complete the entire home study course of instruction shall be satisfactorily demonstrated to the department prior to the department giving its approval to the curriculum of the home study method of instruction.* *the person taking the course completes the entire home study program of instruction prior to being permitted to take the final examination. The technologies acceptable to*

1 *reasonably meet this requirement include, but are not limited to,*
2 *biometrics, voice print recognition, interactive query*
3 *questionnaires, digital procedures, and in-person verification*
4 *procedures. One acceptable method to meet this requirement is for*
5 *the home study program to include in and throughout its program*
6 *a series of personal questions that must be correctly answered by*
7 *the traffic violator before he or she may continue to progress*
8 *through the home study program.*

9 (6) (A) Execute and file with the department an instrument
10 designating the director as agent of the applicant for service of
11 process, as provided in this paragraph, in any action commenced
12 against the applicant arising out of any claim for damages suffered
13 by any person by the applicant's violation of any provision of this
14 code committed in relation to the specifications of the applicant's
15 traffic violator school or any condition of the bond required by
16 paragraph (3).

17 (B) The applicant shall stipulate in the instrument that any
18 process directed to the applicant, when personal service cannot be
19 made in this state after due diligence, may be served instead upon
20 the director or, in the director's absence from the department's
21 principal offices, upon any employee in charge of the office of the
22 director, and this substituted service is of the same effect as
23 personal service on the applicant. The instrument shall further
24 stipulate that the agency created by the designation shall continue
25 during the period covered by the license issued pursuant to this
26 section and so long thereafter as the applicant may be made to
27 answer in damages for a violation of this code for which the surety
28 may be made liable or any condition of the bond.

29 (C) The instrument designating the director as agent for service
30 of process shall be acknowledged by the applicant before a notary
31 public.

32 (D) If the director or an employee of the department, in lieu of
33 the director, is served with a summons and complaint on behalf of
34 the licensee, one copy of the summons and complaint shall be left
35 with the director or in the director's office in Sacramento or mailed
36 to the office of the director in Sacramento. A fee of five dollars (\$5)
37 shall also be paid to the director or employee at the time of service
38 of the copy of the summons and complaint, or shall be included
39 with a summons and complaint served by mail.

(E) The service on the director or department employee pursuant to this paragraph is sufficient service on the licensee if a notice of the service and a copy of the summons and complaint is, on the same day as the service or mailing of the summons and complaint, sent by registered mail by the plaintiff or his or her attorney to the licensee. A copy of the summons and complaint shall also be mailed by the plaintiff or plaintiff's attorney to the surety on the licensee's bond at the address of the surety given in the bond, postpaid and registered with request for return receipt.

(F) The director shall keep a record of all processes served pursuant to this paragraph showing the day and hour of service, and shall retain the documents served in the department's files.

(G) If the licensee is served with process by service upon the director or a department employee in lieu of the director, the licensee has 30 days after that service within which to answer any complaint or other pleading filed in the cause. For purposes of venue, if the licensee is served with process by service upon the director or a department employee in lieu of the director, the service is considered to have been made upon the licensee in the county in which the licensee has or last had his or her established place of business.

(7) Have a name approved by the department pursuant to Section 11205. However, a ~~licensed~~ traffic violator school holding a valid license on January 1, 2004, or a court-approved home study program *operating on January 1, 2004*, may continue to use its *primary* name without applying to the department for approval pursuant to Section 11205.

(8) Meet the requirements of Section 11202.5 and subdivision (b) of Section 11208, relating to traffic violator school operators, if the owner is also the operator of the traffic violator school. If the owner is not the operator of the traffic violator school, the owner shall designate an operator who shall meet the requirements of Section 11202.5.

(9) Provide the department with a written assurance that the school will comply with the applicable provisions of Subchapter II or III of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.), and any other federal and state laws prohibiting discrimination against individuals with disabilities. Compliance may include providing sign language interpreters or other accommodations for students with disabilities.

(b) The qualifying requirements specified in subdivision (a) shall be met within one year from the date of application for a license, or a new application and fee is required.

(c) Paragraphs (3) and (6) of subdivision (a) do not apply to public schools or other public agencies, which shall also not be required to post a cash deposit pursuant to Section 11203.

(d) Paragraph (8) of subdivision (a) does not apply to public schools or other public educational institutions.

(e) A notice approved by the department shall be posted in every traffic violator school, branch, office, and classroom location. In the case of a traffic violator school that offers a home study method of instruction, the notice shall be provided to a person prior to permitting that person to start the home study ~~course~~ *program* of instruction. The notice shall state that any person involved in the offering of, or soliciting for, a completion certificate for attendance at a traffic violator school program in which the person does not attend or does not complete the minimum amount of instruction ~~time provided by~~ *required by subparagraph (B) of paragraph (5) of subdivision (a)* may be guilty of violating Section 134 of the Penal Code.

SEC. 7. Section 11202.5 of the Vehicle Code is amended to read:

11202.5. (a) The department shall license traffic violator school operators as *either* a classroom method operator or home study method operator, or both. No person may act as a traffic violator school operator without a currently valid license issued by the department. A person may apply for one or more types of an operator license for a traffic violator school. The department shall separately issue licenses for each type of traffic violator school. *The department may endorse an operator's license to indicate that the operator is qualified for both types of an operator license.* Every person, in order to qualify as a traffic violator school operator, shall meet each of the following applicable criteria in order to be issued a traffic violator school operator's license:

(1) Have not committed any act which, if the applicant were licensed as a traffic violator school operator, would be grounds for suspension or revocation of the license.

(2) Within three attempts, pass an examination that the department requires on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques,

1 traffic violator school statutes and regulations, and office
2 procedures and recordkeeping.

3 (3) Be 21 years of age or older.

4 (4) ~~Have~~ *Hold a valid license as a traffic violator school*
5 *instructor issued pursuant to Section 11206 and have* done either
6 of the following:

7 (A) Worked for an established California traffic violator
8 school, an established California driving school licensed under
9 Chapter 1 (commencing with Section 11100) of Division 5, or an
10 established commercial driving training and education program
11 operated by a bona fide labor organization as an instructor for a
12 period of not less than 500 hours of actual in-class instruction.

13 (B) Worked for not less than ~~1,500~~ 2,000 hours as an owner,
14 officer, or general manager of a *California* licensed traffic violator
15 school, or a court-approved home study program in business and
16 operating on January 1, 2004.

17 (5) A home study program that continues to operate pursuant
18 to subdivision (c) of Section 11200 shall, during the pendency of
19 its application pursuant to that subdivision, have a person become
20 a validly licensed home study method of instruction operator by
21 no later than April 1, 2004.

22 ~~(6) If the person has applied for a license as a classroom~~
23 ~~institution method operator, he or she shall hold a valid license as~~
24 ~~a traffic violator school instructor issued pursuant to Section~~
25 ~~11206.~~

26 (b) Paragraphs (4) and (6) of subdivision (a) do not apply to a
27 traffic violator school operator validly licensed prior to January 1,
28 1987.

29 (c) Except as otherwise provided in this section, all of the
30 qualifying requirements specified in this section shall be met
31 within one year from the date of application for the license or the
32 application shall lapse. However, the applicant may thereafter
33 submit a new application upon payment of the required fee.

34 SEC. 8. Section 11205 of the Vehicle Code, as amended by
35 Section 455.5 of Chapter 931 of the Statutes of 1998, is repealed.

36 SEC. 9. Section 11205 of the Vehicle Code, as amended by
37 Section 456 of Chapter 931 of the Statutes of 1998, is repealed.

38 SEC. 10. Section 11205 is added to the Vehicle Code, to read:

39 11205. (a) Each traffic violator school owner shall submit a
40 proposed name to the department, on a form approved by the

1 department, and request a separate name approval for each ~~method~~
2 *program method and mode* of instruction that the traffic violator
3 school plans to offer. The department shall not impose a fee under
4 this subdivision.

5 (b) The department shall have 30 days to act on the request for
6 name approval. If the department fails to act within 30 days of
7 receipt by the department of the application for name approval,
8 then the proposed name shall be deemed approved by the
9 department for use by the traffic violator school for all purposes.

10 (c) In making a determination under this section *of* whether or
11 not to approve a proposed name, the department shall use as its
12 criteria whether the proposed name is misleading to the public,
13 undignified, or implies that the applicant offers inducements or
14 premiums that derogate or distort the instructional intent of the
15 traffic safety program.

16 (d) If the department approves the proposed name, it shall
17 notify the applicant of its decision within the time period set forth
18 in subdivision (b).

19 (e) (1) Whenever the department determines, pursuant to
20 subdivision (c), that the proposed name is inappropriate, the
21 department shall immediately notify the applicant that the
22 department has disapproved the proposed name. In its written
23 notice to the applicant of its decision to reject the proposed name,
24 the department shall set forth the specific basis, rationale, and
25 supporting evidence for the department's decision. A recital of the
26 criteria set forth in subdivision (c) is not sufficient to meet this
27 requirement.

28 (2) If requested by the applicant, or its representative, the
29 department shall schedule a hearing for that applicant at which the
30 sole issue shall be whether the name violates the standards set forth
31 in subdivision (c).

32 (3) The department shall make every effort to schedule,
33 conduct, and complete a hearing within 60 days of receipt of the
34 ~~traffic violator school owner's~~ *applicant's* request for a hearing.

35 (f) A substitute proposed name may be submitted, pursuant to
36 this section, to the department for approval at any time before or
37 after the conclusion of the hearing. The department shall, within
38 30 days of receipt of the request for approval of the substitute
39 name, inform the ~~owner-applicant~~ *applicant*, on a form approved
40 by the department, of its approval or rejection of the substitute

1 name. The ~~owner-applicant~~ *applicant* may continue this appeal
2 process for approval of a substitute name until the department
3 determines that the name does not violate the standards set forth
4 in subdivision (c).

5 (g) A decision by the department to reject a proposed name or
6 substitute name may be reviewed by any court of competent
7 jurisdiction.

8 SEC. 11. Section 11205.1 of the Vehicle Code is repealed.

9 SEC. 12. Section 11205.1 is added to the Vehicle Code, to
10 read:

11 11205.1. The department shall publish a list of the owners and
12 operators of traffic violator schools licensed by the department. At
13 least one copy shall be provided to each superior court in the state.
14 This list shall be revised at least quarterly and transmitted to the
15 ~~courts to together with, and at the same time as, the referral list~~
16 ~~published pursuant to Section 11205.2~~ *courts by the 10th day of the*
17 *months of January, April, July, and October of each year.* The list
18 published pursuant to this section shall be divided into Part 1,
19 listing traffic violator schools that offer the classroom method of
20 instruction, and Part 2, listing traffic violator schools that offer the
21 home study method of instruction, and shall include all of the
22 following:

23 (a) The department approved name of each traffic violator
24 school.

25 (b) The business office address of the traffic violator school.

26 (c) The business office telephone number of the traffic violator
27 school.

28 (d) The license number of the traffic violator school.

29 (e) The traffic violator school owner's name.

30 (f) The traffic violator school operator's name.

31 (g) The traffic violator school's Web site address, if any.

32 (h) If the traffic violator school uses a home study method of
33 instruction, the ~~mode~~ *modes* of instruction offered.

34 SEC. 13. Section 11205.2 is added to the Vehicle Code, to
35 read:

36 11205.2. (a) The department shall publish ~~a referral list of all~~
37 ~~traffic violator schools whose names are approved pursuant to~~
38 ~~Section 11205 that, in Part 1, includes all of the approved locations~~
39 ~~of traffic violator school classrooms and, in Part 2, includes a list~~
40 ~~of the traffic violator schools that offer programs by the home~~

1 ~~study method of instruction, using the names approved by the~~
2 ~~department pursuant to Section 11205. The department shall, in a~~
3 ~~Classroom Referral List the department approved names of those~~
4 ~~traffic violator schools that offer the classroom method of~~
5 ~~instruction, and in a separate Home Study Referral List, the~~
6 ~~department approved names of those traffic violator schools that~~
7 ~~offer programs that use the home study method of instruction. The~~
8 ~~department shall transmit the referral list copies of both the~~
9 ~~Classroom Referral List and the Home Study Referral List to each~~
10 ~~superior court in the state, in sufficient quantity to allow the courts~~
11 ~~to provide a whole, nonexcerpted copy of both the Classroom~~
12 ~~Referral List and the Home Study Referral List to each person~~
13 ~~referred by the court to a traffic violator school pursuant to Section~~
14 ~~42005. The list shall be revised at least monthly. These lists shall~~
15 ~~be revised at least bimonthly, or more often as necessary to serve~~
16 ~~the purposes of this chapter, and transmitted to the courts by the~~
17 ~~first day of each sent to the courts by the first day of each~~
18 ~~even-numbered month. The following statement shall appear in~~
19 ~~bold type at the top of each page of the referral list the front page~~
20 ~~of each referral list:~~

21 NOTICE: All traffic violator school ~~classes are required by state~~
22 ~~law to be the equivalent of a minimum of 240 minutes of traffic~~
23 ~~safety instruction.~~

24 ~~(b) (1) Part 1 of the referral list programs are licensed by the~~
25 ~~Department of Motor Vehicles and approved for use throughout~~
26 ~~the state. You may choose any program, regardless of where you~~
27 ~~live or where you received your traffic citation or ticket. There are~~
28 ~~two lists, one for classroom programs, and one for home study~~
29 ~~programs. Please consult the appropriate list for the program of~~
30 ~~your choice.~~

31 ~~(b) (1) The Classroom Referral List shall list only traffic~~
32 ~~violator schools offering the classroom method of instruction and~~
33 ~~shall include all of the following of each school:~~

34 (A) The name of the traffic violator school *approved pursuant*
35 *to Section 11205.*

36 (B) A telephone number to be used by students for information.

37 (C) The name of the ~~county and judicial district~~ *county, judicial*
38 *district, and city* for each approved classroom location.

39 ~~(D) The name of the cities where classrooms are available in~~
40 ~~each judicial district.~~

1 ~~(E) An Internet~~

2 ~~(D) A Web site address, if the school has one.~~

3 (2) Each traffic violator school listed in ~~Part 1 shall appear by~~
4 *the Classroom Referral List shall appear by its approved name and*
5 *shall be permitted one department-approved school name in a*
6 *judicial district.*

7 ~~(3) Part 1 of the referral list~~ *The Classroom Referral List shall*
8 *be organized alphabetically in sections for each city within a*
9 *county and in subsections for each judicial district within the*
10 *county. The name of a traffic violator school shall appear in each*
11 *judicial district city in which the school has an approved classroom*
12 *location. The order of the traffic violator school names listed*
13 *within each judicial district city shall be random pursuant to the*
14 *department's development and implementation of a system of*
15 *computer generated, randomly selected numbers or rotated within*
16 *each subsection for each copy of the list that is printed.*

17 ~~(c) (1) Part 2 of the referral list~~ *The Home Study Referral List*
18 *shall list only traffic violator schools offering programs that use*
19 *the home study method of instruction and shall include all of the*
20 *following for each school:*

21 (A) *The name of the traffic violator school approved pursuant*
22 *to Section 11205.*

23 (B) *A telephone number to be used by students for information.*

24 ~~(C) An Internet~~ *A Web site address, if any, using the name*
25 *approved by the department pursuant to Section 11205.*

26 ~~(D) The mode~~ *modes of home study instruction the school has*
27 *been authorized licensed by the department to use.*

28 (2) Each traffic violator school shall appear by name and shall
29 ~~be permitted one name on the list~~ *a separate department approved*
30 *name on the Home Study Referral List for each licensed mode of*
31 *instruction.*

32 ~~(3) Part 2 of the list shall be organized in one section~~ *The Home*
33 *Study Referral List shall be organized in subsections for each mode*
34 *of instruction, for the entire state. The order of the names of the*
35 *traffic violator schools in each subsection shall be random*
36 *pursuant to the department's development and implementation of*
37 *a system of computer generated, randomly selected numbers or*
38 *rotated within each subsection for each copy of the list that is*
39 *printed.*

(d) Each court shall use ~~the current referral list~~ *both the current Classroom Referral List and the current Home Study Referral List* of licensed traffic violator schools, published by the department, when the court orders a person to complete a ~~course in~~ *program of* traffic safety instruction pursuant to Section 42005.

(e) *The department may augment, but not replace, the printing and distribution of the Classroom Referral List and the Home Study Referral List by also electronically publishing copies of these referral lists on the department's Web site.*

SEC. 14. Section 11205.3 is added to the Vehicle Code, to read:

11205.3. (a) ~~A court may use or contract with a public or private nonprofit agency~~ *As used in this section, "CAP" means a public or private nonprofit agency.*

(b) ~~A court may use or contract with a CAP~~ to assist the court in performing ~~in-court~~ *court* administrative services related to the processing of traffic violators. A process of competitive ~~negotiations~~ *bidding* shall be used to select ~~any public or private nonprofit agency~~ *a CAP* or entity utilized by a court to assist in performing these ~~in-court~~ *court* administrative services. As used in this section, ~~"in-court~~ *"court* administrative services" includes those administrative clerical services relating to the processing of traffic violators at and for the court, and does not include any services or functions performed by the department, for which the department has responsibility, or over which the department has regulatory power.

~~(b) In providing its in-court~~

(c) ~~Except as provided in subdivision (d), in providing its court administrative services to a court, a public or private nonprofit agency CAP used by the court may not perform or duplicate any service or function of approval, licensing, regulating, auditing, monitoring, investigating, imposition of sanctions, regulating, or the printing of referral, owner, and operator lists, or any other service or function of the department set forth in this chapter, or the department's regulations, related to traffic violator schools lists.~~ A ~~public or private nonprofit agency~~ *CAP* utilized by a court may not issue certificates of completion or provide testing services for a licensed traffic violator school.

~~(e)~~

(d) If a court has a well-grounded reason to have a particular traffic violator school monitored pursuant to subdivision (d) of Section 11214, the court shall request the department to monitor the school. The department shall attempt to monitor the particular traffic violator school within 30 days after receiving the court's request. If the department is unable to monitor the particular traffic violator school within 45 days after receiving the court's request, the court may request that the contracted CAP undertake the monitoring on that single occasion using the department's monitoring form. Whenever a CAP monitors a designated traffic violator school at the request of a court, it shall follow the procedures set forth in subdivision (d) of Section 11214. The CAP shall send its monitoring report to the department for review, evaluation, processing, and any other action the department may take. A CAP has no authority over traffic violator schools, other than as provided in this section. Nothing in this section shall be construed to abrogate or limit the inherent powers of the courts as set forth in Article 6 of the California Constitution.

(e) The court may charge the traffic violator a fee to defray the costs incurred by the ~~agency to provide the in-court CAP to provide~~ the court administrative services to the court. Fees shall be established, approved, and regulated by the court. If a fee is imposed, it shall be collected by the court from the traffic violator. The court may delegate collection of the fee to the ~~agency~~ CAP. Any fee authorized by this subdivision shall be applicable only in those cases where a traffic violator has agreed to attend or has been ordered to attend a ~~course~~ program of traffic safety instruction pursuant to Section 42005. The fee shall not apply to those ~~nonviolator person~~ nontraffic violator persons who elect to attend a traffic violator school pursuant to Section 11200.

~~(d)~~

(f) This section does not prevent courts from entering into contracts with public or private nonprofit agencies to provide administrative services to a court other than those described in ~~subdivision (a)~~ subdivisions (a) and (b), if these services do not conflict with the other limitations set forth in this chapter.

SEC. 15. Section 11208 of the Vehicle Code is amended to read:

11208. (a) Fees for issuance by the department of a license to a traffic violator school owner shall be as follows:

(1) For the original license or an ownership change which requires a new application, except as provided by Section 42231, a fee of one hundred fifty dollars (\$150), with ~~an additional fee~~ *additional fees* of seventy dollars (\$70) for each separate traffic violator school branch or classroom location licensed *and three hundred dollars (\$300) for each original lesson plan or curriculum reviewed and approved by the department.* The fees prescribed by this subdivision are nonrefundable.

(2) For annual renewal of the license for a traffic violator school and for each branch location, a fee of fifty dollars (\$50).

(3) If alteration of an existing license is required by a firm name change, a change in corporate officer structure, address change, or the addition of a traffic violator school branch or classroom location, a fee of seventy dollars (\$70).

(4) For replacement of the license certificate when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(b) Fees for the issuance by the department of a license for a traffic violator school operator shall be as follows:

(1) For the original license, a nonrefundable fee of one hundred dollars (\$100).

(2) For annual renewal of the license, a fee of fifty dollars (\$50).

(3) If alteration of an existing license is caused by a change in the name or location of the established principal place of business of the traffic violator school operated by the licensee, including a transfer by a licensee from one traffic violator school to another, a fee of fifteen dollars (\$15).

(4) For replacement of the license certificate when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(c) Fees for the issuance by the department of a license for a traffic violator school instructor shall be as follows:

(1) For the original license, except as provided by Section 42231, a nonrefundable fee of thirty dollars (\$30).

(2) For the triennial renewal of a license, a fee of thirty dollars (\$30).

(3) If alteration of an existing license is required by a change in the name or location of the traffic violator school employing the instructor, or by the transfer of the instructor's license to another employing traffic violator school, a fee of fifteen dollars (\$15).

(4) For replacement of the instructor's license certificate when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(d) The department shall charge a certificate fee, of three dollars (\$3), ~~for each completion certificate issued by a traffic violator school to each person referred to each person referred to a traffic violator school by a court pursuant to Section 42005 and completing instruction at the traffic violator school. The clerk of the court shall collect this three dollar (\$3) certificate fee from the traffic violator at the same time the clerk collects the fee set forth in Section 42007.1, and shall transmit the collected fees to the department within 30 days after the first day of each quarter. Upon satisfactory completion of the instruction offered by a licensed traffic violator school, the traffic violator school shall provide the student referred by a court pursuant to Section 42005 with a certificate of completion furnished by the department to the traffic violator school. The department shall or to a study pursuant to Section 42005.1. The certificate fee is part of the fee collected pursuant to subdivision (a) of Section 42007.1. The department shall provide certificates of completion only to department licensed traffic violator schools, and at no cost to those schools. The department shall~~ make available a three-part completion certificate suitable for traffic violator schools using the classroom method of instruction, and a laser-compatible completion certificate suitable for traffic violator schools using the home study method of instruction. A traffic violator school may obtain from the department and use either, or both, types of completion certificates. If determined feasible by the department, the department may permit traffic violator schools to acquire completion certificates from the department's Web site or from other sources developed by the department. ~~A certificate of completion furnished by the department shall not be issued to a person who elects to attend a traffic violator school. Instead, the traffic violator school shall issue a letter of completion to a person who elects to attend the school.~~

~~(e) (1) Each traffic violator completing a course in traffic safety shall demonstrate the extent of his or her knowledge of the course material by completing an exit test as a condition of receiving the certificate of completion. The exit test shall be developed by each traffic violator school to meet the criteria~~

1 designated by the department. The test scores shall be retained by
2 the traffic violator school as part of its recordkeeping. The
3 department shall develop procedures for the administration of the
4 exit test by and for each mode of instruction under the home study
5 method of instruction.

6 (2) To prevent potential identification fraud, the department
7 shall develop procedures to require verification of the identity of
8 persons taking and completing a home study method of instruction
9 and the identity of the person actually taking the home study
10 method of instruction exit test. The department shall develop
11 regulations that require traffic violator schools that use the home
12 study method of instruction to verify the identity of persons taking
13 courses and completing the exit test. In developing these
14 regulations, the department shall consider technologies, including,
15 but not limited to, personal registration questions, biometrics,
16 voice recognition, and digital signatures.

17 (3) The department shall also require traffic violators
18 completing a course of traffic safety instruction by the home study
19 method of instruction to indicate, under penalty of perjury, that
20 they personally completed the home study course and the final
21 examination.

22 (f) The department shall require the traffic violator to
23 personally deliver or mail the completion certificate to the court.
24 A traffic violator referred by a court pursuant to Section 42005
25 shall present this certificate of completion to the court as proof of
26 completion of instruction, and no other proof of completion of
27 instruction submitted by him or her may be accepted by the court,
28 except as provided in subdivision (h).

29 (g) The department shall maintain records of the number of
30 persons annually completing traffic violator schools by method of
31 instruction, based on factors including classroom, textbook, video,
32 Internet Web sites, and any other approved mode.

33 (h) A traffic violator school may charge a fee not to exceed
34 fifteen dollars (\$15) for the issuance of a duplicate certificate of
35 completion requested by the traffic violator. The traffic violator
36 shall present this certificate of completion to the court as proof of
37 completion of instruction, and no other proof of completion of
38 instruction may be accepted by the court, except as provided in
39 subdivision (f).

40 (i)

(e) The fees collected by the department pursuant to this section shall be expended for the following:

(1) The costs to the department to license and regulate traffic violator schools. Those costs may include, but are not limited to, initial program costs and costs associated with implementing the act adding ~~this subdivision~~ or amending this subdivision in the 2003–04 Regular Session.

(2) The costs to the department of printing and distributing to the courts the list of owners and operators and the ~~referral list~~ Classroom Referral List and the Home Study Referral List published pursuant to Sections 11205.1 and 11205.2.

(3) The costs to the department, commensurate with the revenues generated by the fees collected, for the staffing and resources pursuant to Section 11214 to audit and monitor traffic violator schools.

(f) All moneys derived from the licensing of traffic violator schools and the issuance of traffic violator school completion certificates, both under this chapter, shall be deposited in the Traffic Violator School Account which is hereby established in the Motor Vehicle Account of the State Transportation Fund. Funds in the Traffic Violator School Account shall, upon appropriation by the Legislature, be used by the Department of Motor Vehicles for the purposes of licensing, monitoring, and auditing traffic violator schools.

SEC. 16. Section 11212 of the Vehicle Code is amended to read:

11212. (a) Every owner licensed under this chapter shall keep a record at the traffic violator school's primary business location showing all of the following for each student:

(1) The name, address, and license number of the traffic violator school providing instruction.

(2) The name and address of each person given instruction.

(3) The instruction permit number or driver's license number of every person given instruction.

(4) If applicable, the name and number of the license issued pursuant to Section 11207 of the traffic violator school instructor.

(5) The particular type of instruction given and the date or dates of the instruction.

(6) A statement as to whether the approved curriculum or lesson plan was followed.

1 (7) The total number of ~~hours of instruction~~ *minutes of*
2 *instruction, if the instruction was provided by the classroom*
3 *method of instruction.*

4 (8) The total cost to the student of the instruction, which shall
5 not exceed the amount of the fee represented or advertised by the
6 traffic violator school at the time of the student's enrollment.

7 (9) The court docket, case, or citation number under which the
8 student was referred to a traffic violator school.

9 (10) The number of the completion certificate issued to the
10 student pursuant to subdivision ~~(d) of Section 11208~~ *(a) of Section*
11 *11219.2* and, if different, the number of any copy thereof issued to
12 the student.

13 (b) The records shall be retained for a minimum of three years
14 and shall be open to the inspection during business hours and at all
15 other reasonable times by the department, the court, a private
16 entity providing monitoring pursuant to Section 11222, the
17 Legislative Analyst, and the State Auditor or authorized
18 employees thereof, but shall be only for confidential use.

19 (c) Whenever a licensee suspends or terminates the licensed
20 activity, the licensee shall surrender the records specified in
21 subdivision (a) to the department for examination not later than the
22 end of the third day, excluding Saturdays, Sundays, and legal
23 holidays, after the date of suspension or termination. The
24 department may duplicate or make a record of any information
25 contained therein. All these records shall be returned to the
26 licensee not later than 30 days after the date of surrender.

27 (d) The address of any person kept pursuant to paragraph (2) of
28 subdivision (a) shall only be used by the school for school
29 administrative purposes.

30 SEC. 17. Section 11214 of the Vehicle Code is amended to
31 read:

32 11214. (a) The department shall have the exclusive authority
33 to *audit, inspect, and* monitor all licensed traffic violator schools.
34 ~~The monitoring shall include, but is not limited to, auditing the~~
35 ~~business records of a licensee, monitoring the traffic safety~~
36 ~~instruction provided by a licensee, and inspecting the facilities,~~
37 ~~programs, and business practices of a licensee. The department~~
38 ~~may annually audit the class records of a licensee. To~~

39 (b) *The department may annually audit the records of a*
40 *licensee. Auditing shall include, but is not limited to, the review*

1 *and examination of business records, class records, if applicable,*
 2 *business practices, and the content of the program of instruction*
 3 *in the lesson plan or curriculum of a licensee.*

4 *(c) Inspecting shall include, but is not limited to, review of the*
 5 *business office, branch office, and applicable classroom facilities*
 6 *of a licensee.*

7 *(d) Monitoring shall include the onsite review of the actual*
 8 *presentation of the program of traffic safety instruction provided*
 9 *in a classroom or in a mode of home study instruction. The*
 10 *department shall develop forms to be used for monitoring.*
 11 *Whenever a traffic safety class is monitored, the monitor shall give*
 12 *a copy of the monitor's report to the traffic violator school*
 13 *instructor before the monitor leaves the classroom, mail a copy of*
 14 *the report to the business office of the traffic violator school, and*
 15 *retain the original copy of the report for the department's records.*
 16 *Any subsequent monitoring report related to the same class shall*
 17 *be mailed to the business office of the traffic violator school. A*
 18 *copy of the monitor's report for a home study program shall be*
 19 *mailed to the business office of the traffic violator school and the*
 20 *original copy shall be retained by the department. A copy of a*
 21 *monitoring report required to be mailed to the traffic violator*
 22 *school shall be mailed within 30 days after the date of monitoring.*

23 *(e) To the extent funding is available, the department shall*
 24 *endeavor to monitor one traffic safety class of a licensee at least*
 25 *once every 60 representative class of a classroom based licensee*
 26 *at least once every 180 days in each county in which a the licensee*
 27 *provides traffic safety instruction and a home study based*
 28 *licensee's program of instruction at least once every 180 days. The*
 29 *department's monitoring of a licensee's course program of traffic*
 30 *safety instruction may be conducted without advance notice to the*
 31 *licensee. The department shall provide the resources and staffing*
 32 *for these monitoring functions that are commensurate with the*
 33 *revenues generated by the fees collected by moneys appropriated*
 34 *by the Legislature to the department pursuant to Section 11208.*

35 SEC. 18. Section 11215.5 of the Vehicle Code is amended to
 36 read:

37 11215.5. The department, after notice and hearing, may also
 38 suspend or revoke any license issued under this chapter when any
 39 of the following circumstances exist:

1 (a) If the main business office of the traffic violator school does
2 not maintain office hours during the time that the day courts in that
3 county are open for business. This subdivision shall not apply to
4 public schools.

5 (b) If the licensee is found by the department to be selling, or
6 knowingly permitting the sale of, completion certificates.

7 (c) If the licensee is found by the department to be intentionally
8 ~~cutting instructional time short.~~ *permitting the instructional time*
9 *to be cut short.*

10 (d) If the licensee is found by the department to be intentionally
11 diverting any student to a traffic school other than the school
12 initially contacted by that student, without disclosure to that
13 student. For purposes of this subdivision, the disclosure
14 requirement is satisfied if a student consents to the diversion.

15 SEC. 19. Section 11216.2 of the Vehicle Code is amended to
16 read:

17 11216.2. Any license issued to the owner or operator of a
18 traffic violator school under this chapter may be automatically
19 suspended for *up to* 30 days by the department if the department
20 has been notified that more than one final determination has been
21 made that the traffic violator school has violated a student's rights
22 under the federal Americans with Disabilities Act of 1990 (42
23 U.S.C. Sec. 12101, et seq.) or any other federal or state law
24 prohibiting discrimination against individuals with disabilities.
25 The final determination shall be made by a federal or state court
26 of competent jurisdiction or an appropriate federal or state
27 administrative agency, including, but not limited to, the
28 Department of Fair Employment and Housing, or any combination
29 thereof.

30 For the purpose of this subdivision, "final determination"
31 means that no further appeal of a determination can be taken to any
32 court because the time period for the appeal has expired.

33 SEC. 20. *Section 11219.1 is added to the Vehicle Code, to*
34 *read:*

35 11219.1. (a) *Each traffic violator completing a program of*
36 *traffic safety instruction shall demonstrate the extent of his or her*
37 *knowledge of the course material by completing an final*
38 *examination as a condition of receiving the certificate of*
39 *completion. The final examination shall be developed by each*
40 *traffic violator school to meet the criteria designated by the*

department. The test scores shall be retained by the traffic violator school as part of its record keeping. The department shall develop procedures for the administration of the final examination by and for each mode of instruction under the home study method of instruction.

(b) To prevent potential identification fraud, the department shall develop procedures to require reasonable verification of the identity of both the person taking a home study program of instruction and of the person taking the final examination. The department shall require each home study program to reasonably ensure and verify the identity of persons taking the traffic safety course and the final examination. The technologies acceptable to reasonably verify identity shall include, but are not limited to, biometrics, voice print recognition, interactive query questionnaires, digital procedures, and in-person verification procedures. Licensed home study programs may provide these technologies using third party applications if necessary. The department shall duly consider the use of developing technologies to aid in the identification of the person taking a home study program and its final examination. One acceptable method of identification is for the home study program to include in and throughout its program a series of personal questions to be correctly answered by the traffic violator before he or she may continue to progress through the home study program.

(c) The department shall also require traffic violators completing a program of traffic safety instruction by the home study method of instruction to indicate, under penalty of perjury, that they personally completed the home study course and the final examination.

(d) The department shall maintain records of the number of persons annually completing traffic violator schools by method and mode of instruction through the use of semiannual reports provided to the department by each traffic violator school showing, for each method and mode of instruction, the total number of traffic violators processed quarterly by the school.

SEC. 21. Section 11219.2 is added to the Vehicle Code, to read:

11219.2. (a) Upon satisfactory completion of the program of traffic safety instruction and final examination offered by a licensed traffic violator school, the school shall provide the

1 student, referred by a court pursuant to Section 42005, with a
2 certificate of completion furnished by the department to the traffic
3 violator school. A traffic violator school may charge a fee not to
4 exceed fifteen dollars (\$15) for the issuance of a duplicate
5 certificate of completion requested by the traffic violator.

6 (b) The traffic violator shall personally deliver or mail the
7 certificate of completion to the court as proof of completion of
8 instruction, and no other proof of completion of instruction
9 submitted by him or her may be accepted by the court.

10 (c) A department-furnished certificate of completion may not
11 be issued to a nontraffic violator that elects to attend a traffic
12 violator school pursuant to Section 11200. Instead, the school
13 shall issue a letter of completion to a person who elects to attend
14 the traffic violator school.

15 (d) A traffic violator school shall issue a receipt for any fee
16 collected by the traffic violator school from any person who
17 registers for or attends, or both, the traffic violator school.

18 SEC. 22. Section 11219.3 of the Vehicle Code is repealed.

19 ~~11219.3. The curriculum prescribed pursuant to Section~~
20 ~~11219 shall include, but is not limited to, the rights and duties of~~
21 ~~a motorist as they pertain to pedestrians and the rights and duties~~
22 ~~of a pedestrian as they relate to traffic laws and traffic safety.~~

23 SEC. 23. Section 11219.5 of the Vehicle Code is amended to
24 read:

25 11219.5. A traffic violator school shall issue a receipt for any
26 fee collected by the traffic violator school from any person who
27 registers for, attends, or completes a program of traffic safety
28 instruction at, or from, the traffic violator school. A licensee under
29 this chapter may not be required to provide a ~~course~~ program of
30 traffic safety instruction to a person for a fee that is less than the
31 standard fee normally charged by the licensee for its ~~course~~
32 program of traffic safety instruction.

33 ~~SEC. 21.—~~

34 SEC. 24. Section 11219.7 is added to the Vehicle Code, to
35 read:

36 11219.7. All records of licensed traffic violator schools
37 related to traffic violators, including a traffic violator's name,
38 residence address, telephone number, personal identifying
39 information, and driver's license number, are confidential and
40 shall not be disclosed to a person other than a court, law

1 *enforcement agency, the department, or other governmental*
2 *agency.*

3 SEC. 25. Section 11222 of the Vehicle Code is amended to
4 read:

5 11222. The department may contract with a public or private
6 nonprofit entity to ~~administer any part of this chapter~~ *perform the*
7 *printing required by Sections 11205.1 and 11205.2, and*
8 *monitoring pursuant to subdivision (d) of Section 11214*, subject
9 to limitations in other laws regarding contracting out for services.
10 A contract may not exceed two years' duration. The contracting
11 entity shall conform to all of the following requirements:

12 (a) Engage in no other business activity with a traffic violator
13 school or any principal of a traffic violator school, including the
14 provision of services or supplies.

15 (b) Provide reports in ~~statistical form~~ *to the form required by*
16 *the department and to the Legislature as instructed by the*
17 *department. These reports shall be issued not less frequently than*
18 *annually.*

19 (c) Make its records available for inspection by authorized
20 representatives of the department, the Legislative Analyst, and the
21 State Auditor.

22 ~~(d) The public or private nonprofit entity may not engage in a~~
23 ~~contract with a court pursuant to Section 11205.3.~~

24 ~~(e)~~

25 (d) The public or private nonprofit entity may not subcontract
26 any obligations it may have under this contract with the
27 department.

28 ~~SEC. 22.~~

29 SEC. 26. Section 41501 of the Vehicle Code is amended to
30 read:

31 41501. The court may order a continuance of a proceeding
32 against a person who receives a notice to appear in court for a
33 violation of any statute relating to the safe operation of a vehicle,
34 in consideration for completion of a program of traffic safety
35 instruction at a department licensed traffic violator school, and
36 after completion of the program, the court may dismiss the
37 complaint under the following conditions:

38 (a) If the offense is alleged to have been committed within 12
39 months of another offense that was dismissed under this section,
40 the court may order the continuance and, after the completion of

1 ~~a course of traffic safety instruction at a~~ *program of traffic safety*
2 *instruction at a classroom based* traffic violator school that offers
3 a program of at least eight hours of instruction, *or its equivalent*
4 *at a home study based traffic violator school*, dismiss the
5 complaint.

6 (b) If the offense is not alleged to have occurred within 18
7 months of another offense that was dismissed under this section,
8 the court may order the continuance and, after the completion of
9 the program, dismiss the complaint if the completion of the
10 program is at any of the traffic violator schools that the court
11 directed pursuant to Section 42005 at the time of ordering the
12 continuance.

13 ~~SEC. 23.~~

14 SEC. 27. Section 42005 of the Vehicle Code is amended to
15 read:

16 42005. (a) The court may order any person convicted of a
17 traffic violation to attend and complete a ~~course~~ *program* of traffic
18 safety instruction at a traffic violator school licensed pursuant to
19 Chapter 1.5 (commencing with Section 11200) of Division 5.

20 (b) In lieu of adjudicating a traffic offense, and with the consent
21 of the defendant, or after conviction of a traffic offense, the court
22 may order any person issued a notice to appear for a traffic
23 violation to attend and complete a ~~course~~ *program* of traffic safety
24 instruction at a traffic violator school licensed pursuant to Chapter
25 1.5 (commencing with Section 11200) of Division 5.

26 (c) Any person so ordered may choose the traffic violator
27 school the person will attend. The court shall provide to each
28 person subject to the order a whole, nonexcepted copy of ~~the~~
29 ~~current referral list~~ *both the current Classroom Referral List and*
30 *the current Home Study Referral List* of traffic violator schools
31 published by the department pursuant to Section 11205.2.

32 (d) Notwithstanding subdivision (b), a court may not order a
33 person to attend or complete a program of traffic safety instruction
34 at a traffic violator school in lieu of adjudicating an offense if the
35 person was issued a notice to appear for a serious traffic violation,
36 as defined in subdivision (i) of Section 15210, that occurred in a
37 commercial motor vehicle, as defined in subdivision (b) of Section
38 15210.

(e) Any person who willfully fails to comply with a court order to attend and complete a program of traffic safety instruction at a traffic violator school is guilty of a misdemeanor.

~~SEC. 24.~~

SEC. 28. Section 42005.1 of the Vehicle Code is amended to read:

42005.1. The court may order any person designated to attend and complete a program of traffic safety instruction at a traffic violator school to participate in a study of traffic violator schools licensed pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5.

~~SEC. 25.~~

SEC. 29. Section 42007 of the Vehicle Code is amended to read:

42007. (a) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 42005. The fee shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, “total bail” means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Statewide Bail Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the “total bail” is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount.

The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by the traffic violator school.

(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code in the general fund of the county and, as may be applicable, distributed as follows:

(1) In any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar (\$1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(2) In any county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health

1 and Safety Code, an amount equal to the sum of each two dollars
2 (\$2) for every seven dollars (\$7) that would have been collected
3 pursuant to Section 76000 of the Government Code shall be
4 deposited in that fund. Nothing in the act that added this paragraph
5 shall be interpreted in a manner that would result in either of the
6 following:

7 (A) The utilization of penalty assessment funds that had been
8 set aside, on or before January 1, 2000, to finance debt service on
9 a capital facility that existed before January 1, 2000.

10 (B) The reduction of the availability of penalty assessment
11 revenues that had been pledged, on or before January 1, 2000, as
12 a means of financing a facility which was approved by a county
13 board of supervisors, but on January 1, 2000, is not under
14 construction.

15 (c) For fees resulting from city arrests, an amount equal to the
16 amount of base fines that would have been deposited in the
17 treasury of the appropriate city pursuant to paragraph (3) of
18 subdivision (b) of Section 1463.001 of the Penal Code shall be
19 deposited in the treasury of the appropriate city.

20 (d) The clerk of the court, in a county that offers traffic violator
21 school shall include in any courtesy notice mailed to a defendant
22 for an offense that qualifies for traffic violator school attendance
23 the following statement:

24
25 NOTICE: If you are eligible and decide not to attend and
26 complete *the program of traffic safety instruction at a licensed*
27 traffic violator school your automobile insurance may be
28 adversely affected.

29
30 ~~SEC. 26.—~~

31 *SEC. 30. Section 42007.1 of the Vehicle Code is amended to*
32 *read:*

33 42007.1. (a) The fee collected by the clerk pursuant to
34 subdivision (a) of Section 42007 shall be in an amount equal to the
35 total bail set forth for the eligible offense on the uniform
36 countywide bail schedule plus ~~twenty-four dollars (\$24)~~
37 *twenty-seven dollars (\$27)*.

38 (b) Notwithstanding subdivision (b) of Section 42007, the
39 revenue from the ~~twenty-four dollar (\$24)~~ *twenty-seven dollar*

(§27) fee collected under this section shall be *nonrefundable and* deposited ~~in the county general fund~~, pursuant to the following:

(1) Twenty-four dollars (\$24) into the county general fund.

(2) Three dollars (\$3) into the Traffic Violator School Account in the Motor Vehicle Account of the State Transportation Fund.

SEC. 31. Section 42007.3 of the Vehicle Code is amended to read:

42007.3. (a) Notwithstanding Section 42007, revenues derived from fees collected under Section 42007 from each person required or permitted to attend traffic violator school pursuant to Section 42005 as a result of a violation of subdivision (a) or (c) of Section 21453, subdivision (c) of Section 21454, or subdivision (a) of Section 21457 shall be allocated as follows:

(1) The first 30 percent of the amount collected shall be allocated to the general fund of the city or county in which the offense occurred.

(2) The balance of the amount collected shall be deposited by the county treasurer under Section 42007.

(b) This section does not apply to the additional ~~twenty-four dollars (\$24)~~ twenty-seven dollars (\$27) collected under subdivision (a) of Section 42007.1.

SEC. 32. Section 42007.4 of the Vehicle Code is amended to read:

42007.4. (a) Notwithstanding Section 42007, revenues derived from fees collected under Section 42007 from each person required or permitted to attend traffic violator school pursuant to Section 369b of the Penal Code as a result of a violation of subdivision (c) of Section 21752, involving railroad grade crossings, or Section 22451 or 22452 shall be allocated as follows:

(1) If the offense occurred in an area where a transit district or transportation commission established under Division 12 (commencing with Section 130000) of the Public Utilities Code provides rail transportation, the first 30 percent of the amount collected shall be allocated to the general fund of that transit district or transportation commission to be used only for public safety and public education purposes relating to railroad grade crossings.

(2) If there is no transit district or transportation commission providing rail transportation in the area where the offense occurred, the first 30 percent of the amount collected shall be

1 allocated to the general fund of the county in which the offense
2 occurred, to be used only for public safety and public education
3 purposes relating to railroad grade crossings.

4 (3) The balance of the amount collected shall be deposited by
5 the county treasurer under Section 1463 of the Penal Code.

6 (4) A transit district, transportation commission, or a county
7 that is allocated funds pursuant to paragraph (1) or (2) shall
8 provide public safety and public education relating to railroad
9 grade crossings only to the extent that those purposes are funded
10 by the allocations provided pursuant to paragraph (1) or (2).

11 (b) This section does not apply to the additional ~~twenty-four~~
12 ~~twenty-seven~~ dollars ~~(\$24)~~ (\$27) collected under subdivision (a)
13 of Section 42007.1.

14 SEC. 33. No reimbursement is required by this act pursuant
15 to Section 6 of Article XIII B of the California Constitution
16 because the only costs that may be incurred by a local agency or
17 school district will be incurred because this act creates a new crime
18 or infraction, eliminates a crime or infraction, or changes the
19 penalty for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition of a
21 crime within the meaning of Section 6 of Article XIII B of the
22 California Constitution.

23
24 CORRECTIONS

25 Text — Pages 6, 23 and 31.
26
27